

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 0:22-cv-61621-ALTMAN/HUNT

VITAL PHARMACEUTICALS, INC., d/b/a
VPX and as BANG ENERGY, a Florida
corporation,

Plaintiff,

v.

MONSTER BEVERAGE CORPORATION
and MONSTER ENERGY COMPANY,

Defendants.

PARTIES' JOINT MOTION FOR A STAY

Plaintiff VITAL PHARMACEUTICALS, INC. d/b/a VPX and as BANG ENERGY (“VPX”), together with Defendants MONSTER BEVERAGE CORPORATION and MONSTER ENERGY COMPANY (“Monster”), jointly move for a stay of this case. The grounds for this motion are set forth in the following memorandum:

Memorandum

1. On October 10, 2022, VPX filed a voluntary Chapter 11 petition in the United States Bankruptcy Court for the Southern District of Florida, Fort Lauderdale Division, under Case No. 22-17842-PDR (the “Bankruptcy Proceeding”). The Bankruptcy Proceeding is still in progress and has not been dismissed.

2. As an incident of the Bankruptcy Proceeding, VPX and Monster have been meaningfully exploring possible resolution of this case as well as another case between VPX and Monster pending before Chief Judge Altonaga, entitled *Vital Pharms., Inc. v. Monster Energy Co., et al.*, No. 0:19-cv-61974-CMA (Aug. 7, 2019) (hereinafter, the “2019 Case”) – which has, as a

result of VPX and Monster's agreement to stay been recently administratively closed. *See* ECF No. 213.

3. Given this recent development, and to ensure that this proceeding does not interfere with such efforts and that the parties and Court conserve judicial and party resources during such time, VPX and Monster respectfully submit that a stay is appropriate.

4. The parties agree that all current deadlines should be stayed until the Court, upon motion of any party, determines that it is appropriate to lift the stay. Among other things, the parties have agreed that no party will seek fees, costs, or sanctions in connection with this action prior to the date that is two (2) business days following the lifting of such stay.

5. This is the parties' first joint motion for a stay. This request for a stay is sought in good faith and for judicial economy and not for purposes of delay.

WHEREFORE, the parties respectfully request a stay of all deadlines and proceedings in this case. A proposed order granting this motion is attached herewith in accordance with Local Rule 7.1(a)(2).

**Certificate of Good Faith Conference
Pursuant to Local Rule 7.1(a)(3)**

Counsel for both parties certify that they have conferred with regard to the relief sought in this motion.

Dated: May 5, 2023

Respectfully submitted,

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ORDER GRANTING PARTIES' JOINT MOTION FOR A STAY

THIS CAUSE came before the Court pursuant to the Parties' Joint Motion For a Stay. The Court having reviewed the motion and the file, and being fully advised in the premises, it is:

ORDERED and ADJUDGED that this case, including all deadlines, is hereby stayed.

This stay will be in effect until the Court, upon motion of any party, determines that it is appropriate to lift the stay.

DONE and ORDERED in Chambers at Ft. Lauderdale, Florida this ____ day of May 2023.

Roy K. Altman
United States District Judge

cc: Counsel of record